

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2694

United States of America,

Appellee,

v.

Carl A. Beck,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: June 7, 2001

Filed: June 14, 2001

Before HANSEN, BEAM, and BYE, Circuit Judges.

PER CURIAM.

After the district court¹ denied his motion to suppress, Carl A. Beck conditionally pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g); he reserved the right to appeal the denial of the suppression motion. The court sentenced Beck to 180 months of imprisonment and 5 years of supervised release. On appeal, counsel has briefed the suppression issue and moved

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri, adopting the report and recommendations of the Honorable Lawrence O. Davis, United States Magistrate Judge for the Eastern District of Missouri.

to withdraw under Anders v. California, 386 U.S. 738 (1967), and Beck has not filed a pro se supplemental brief.

We conclude that the district court's factual findings were not clearly erroneous, and its legal conclusion was correct. See United States v. Tavares, 223 F.3d 911, 914 (8th Cir. 2000). (standard of review). The smell of burnt marijuana emanating from Beck's car gave the police probable cause to search the entire vehicle for drugs, see United States v. Neumann, 183 F.3d 753, 756 (8th Cir.), cert. denied, 528 U.S. 981 (1999), and they found the gun under Beck's seat. Counsel essentially challenges the court's credibility determinations, which are virtually unreviewable on appeal. See United States v. Wicker, 80 F.3d 263, 268 (8th Cir. 1996).

Having found no nonfrivolous issues after reviewing the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we affirm the judgment of the district court and grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.